

UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

IN RE:)
)
LOUISE BURTON-ALSTON,) Case No. 1:06cv765
)
Debtor.)

)
Felicia Sprincenatu,)
APPELLANT,)
)
v.)
)
Richard M. Hutson, II, Trustee,)
APPELLEE.)

**MOTION TO DISMISS APPEAL FOR APPELLANT'S FAILURE TO FILE
BRIEF AS REQUIRED BY RULE 8009**

NOW COMES Richard M. Hutson, II, Appellee and Standing Trustee in the above-referenced matter ("Appellee") and respectfully moves the Court for dismissal of the appeal pursuant to Rule 8001(a) of the Federal Rules of Bankruptcy Procedure for Appellant's failure to file a brief as required by Rule 8009 of the Federal Rules of Bankruptcy Procedure and failure to prosecute the appeal due to bad faith, negligence, or indifference by Appellant.

This the 9th day of April, 2007.

/s/Benjamin E. Lovell
Benjamin E. Lovell
Attorney for Appellee
P.O. Box 3613
Durham, N.C. 27702
State Bar No. 23266
Telephone: (919) 688-8065

CERTIFICATE OF SERVICE

This is to certify that I have this day served a copy of the foregoing document upon the following parties by electronic noticing system or by depositing a copy of the same in the United States Mail, postage prepaid, and in the manner prescribed by Rule 5 of the Federal Rules of Civil Procedure:

1. Felicia Sprincenatu (Appellant)
2412 Vesson Ave., Apt. 2
Durham, NC 27707
2. William L. Yaeger, Esq.
P.O Box 100
Durham, NC 27702

This the 9th day of April, 2007.

/s/Benjamin E. Lovell
Benjamin E. Lovell, Esq.
Attorney for Appellee